

**Article 5. Manifest System, Recordkeeping, and Reporting****§66264.70. Applicability.**

The regulations in this article apply to owners and operators of both on-site and off-site facilities, except as section 66264.1 provides otherwise. Sections 66264.71, 66264.72, and 66264.76 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 264.70.

**HISTORY**

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

**§66264.71. Use of Manifest System.**

(a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the facility's agent, shall:

(1) sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

(2) note any significant discrepancies in the manifest as defined in section 66264.72(a) on each copy of the manifest;

(3) immediately give the transporter at least one copy of the signed manifest;

(4) within 30 days after the delivery, send a copy of the manifest to the generator;

(5) within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest used; and

(6) retain at the facility a copy of each manifest for at least three years from the date of delivery.

(b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the Identification Numbers, generator's certification, and signatures), the owner or operator, or the facility's agent, shall:

(1) sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) note any significant discrepancies as defined in section 66264.72(a) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

(3) immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

(4) within 30 days after the delivery, send a copy of the signed and dated manifest to the generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or the facility's agent, shall send a copy of the shipping paper signed and dated to the generator;

(5) within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest or shipping paper (if the manifest has not been received) used; and

(6) retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of chapter 12 of this division.

(d) Within three working days of the receipt of a shipment subject to the requirements of 40 CFR Part 262, Subpart H or this article, the owner or operator of the facility shall provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street SW, Washington, DC 20460, and to competent authorities of all other concerned countries. The original copy of the tracking document shall be maintained at the facility for at least three years from the date of signature.

(e) Whenever hazardous waste is received by a facility from a transporter in a vehicle or bulk container that will be removed from the facility after emptying, the transporter shall determine by inspection whether the vehicle or bulk container is empty pursuant to section 66261.7 prior to the removal of the vehicle or bulk container from the facility.

(f) If a vehicle or bulk container cannot be rendered empty pursuant to section 66261.7 by equipment and methods available at the facility, the transporter shall follow the procedure in subsection (b) of section 66263.21.

(g) The provisions of section 66262.34 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of section 66262.34 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.

NOTE: Authority cited: Sections 25150, 25159, 25159.5 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 264.71.

**HISTORY**

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

2. Change without regulatory effect adding new subsection (d) filed 8-20-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 34).

3. New subsections (e)-(g) and amendment of Note filed 10-19-2000; operative 11-18-2000 (Register 2000, No. 42).

4. Amendment of subsections (a)(2) and (b)(2) and amendment of NOTE filed 4—4—2002 as an emergency;

operative 4—4—2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 8—2—2002 or emergency language will be repealed by operation of law on the following day.

5. Amendment of subsections (a)(2) and (b)(2) and amendment of NOTE refiled 8—1—2002 as an emergency; operative 8—1—2002 (Register 2002, No. 31). A Certificate of Compliance must be transmitted to OAL by 12—2—2002 or emergency language will be repealed by operation of law on the following day.

6. Amendment of subsections (a)(2) and (b)(2) and amendment of NOTE refiled 12—2—2002 as an emergency; operative 12—3—2002 (Register 2002, No. 49). A Certificate of Compliance must be transmitted to OAL by 4—2—2003 or emergency language will be repealed by operation of law on the following day.

7. Amendment of subsections (a)(2) and (b)(2) and amendment of NOTE refiled 4—1—2003 as an emergency; operative 4—3—2003 (Register 2003, No. 14). A Certificate of Compliance must be transmitted to OAL by 8—1—2003 or emergency language will be repealed by operation of law on the following day.

8. Repealer of 4—1—2003 order and amendment of NOTE filed 7—10—2003 as an emergency; operative 7—10—2003 (Register 2003, No. 28). Pursuant to Health and Safety Code section 25169.8, this is a deemed emergency and stays effective until revised by the agency.

#### **§66264.72. Manifest Discrepancies.**

(a) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are:

- (1) for bulk waste, variations greater than 10 percent in weight; and
- (2) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload.

Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, toxic constituents not reported on the manifest or shipping paper.

(b) Upon discovering a significant discrepancy, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator shall immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(c) Upon discovering a discrepancy involving a hazardous waste of concern, as defined in section 66261.111(a), and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c), the owner or operator shall attempt to reconcile the reportable quantity or difference with the waste generator or transporter. If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

- (1) Facility name and identification number;
- (2) Generator name and identification number;
- (3) Transporter(s) name(s), identification number(s), and, if available, transporter(s) registration number(s);
- (4) Manifest number;
- (5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste at issue, weight or volume units, and waste codes; and

(6) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., on highway or roads, rail line, transfer station, truck stop, etc.).

(d) If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (c), within 5 days after discovering the reportable quantity or difference, the owner or operator shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it, and a copy of the manifest at issue.

(1) Owners or operators of facilities located in the counties of Los Angeles, Ventura, Santa Barbara, San Bernardino, Orange, Riverside, San Diego, or Imperial shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205.

(2) Owners or operators of facilities located in any other county, or out of state, shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Northern California Branch, 8800 Cal Center Drive, Sacramento, California 95826-3200.

NOTE: Authority cited: Sections 25150, 25159, 25169.6, 25169.7 and 25169.8, Health and Safety Code. Reference: Sections 25159, 25159.5, 25169.5, 25169.6 and 25169.7, Health and Safety Code; 40 CFR Section 264.72.

#### **HISTORY**

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).
2. Amendment of section and NOTE filed 4—4—2002 as an emergency; operative 4—4—2002 (Register 2002, No. 14). A Certificate of Compliance must be transmitted to OAL by 8—2—2002 or emergency language will be repealed by operation of law on the following day.
3. Amendment of section and NOTE refiled 8—1—2002 as an emergency; operative 8—1—2002 (Register 2002, No. 31). A Certificate of Compliance must be transmitted to OAL by 12—2—2002 or emergency language will be repealed by operation of law on the following day.

4. Amendment of section and NOTE refiled 12—2—2002 as an emergency; operative 12—3—2002 (Register 2002, No. 49). A Certificate of Compliance must be transmitted to OAL by 4—2—2003 or emergency language will be repealed by operation of law on the following day.

5. Amendment of section and NOTE refiled 4—1—2003 as an emergency; operative 4—3—2003 (Register 2003, No. 14). A Certificate of Compliance must be transmitted to OAL by 8—1—2003 or emergency language will be repealed by operation of law on the following day.

6. Repealer of 4—1—2003 order, new subsections (c)—(d)(2) and amendment of NOTE filed 7—10—2003 as an emergency; operative 7—10—2003 (Register 2003, No. 28). Pursuant to Health and Safety Code section 25169.8, this is a deemed emergency and stays effective until revised by the agency.

### **§66264.73. Operating Record.**

(a) The owner or operator shall keep a written operating record at the facility.

(b) The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(1) a description and the quantity of each hazardous waste received, and the method(s) and date(s) of its transfer, treatment, storage, or disposal at the facility as required by Appendix I, of this chapter;

(2) the location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste shall be recorded on a map or diagram of each cell or disposal area. For all facilities, this information shall include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

(3) records and results of waste analyses and waste determinations performed as specified in sections 66264.13, 66264.17, 66264.314, 66264.341, 66264.1034, 66264.1063, 66264.1083, and 66268.7 of this division;

(4) summary reports and details of all incidents that require implementing the contingency plan as specified in section 66264.56(j);

(5) records and results of inspections as required by section 66264.15(d) (except these data need be kept only three years);

(6) monitoring, testing, or analytical data and corrective action where required by article 6 and sections 66264.19, 66264.191, 66264.193, 66264.195, 66264.222, 66264.223, 66264.226, 66264.252, 66264.253, 66264.254, 66264.276, 66264.278, 66264.280, 66264.302, 66264.303, 66264.304, 66264.309, 66264.347, 66264.602, 66264.1034(c) through 66264.1034(f), 66264.1035, 66264.1063(d) through 66264.1063(i), 66264.1064, and 66264.1082 through 66264.1090;

(7) for off-site facilities, notices to generators as specified in section 66264.12(b); and

(8) all closure cost estimates under section 66264.142, and, for disposal facilities, all post-closure cost estimates under section 66264.144;

(9) a certification by the permittee no less often than annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates to the degree determined by the permittee to be economically practicable; and the proposed method of transfer, treatment, storage or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment;

(10) records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted pursuant to section 66268.5 and the applicable notice required by a generator under section 66268.7(a);

(11) for an off-site treatment facility, a copy of the notice, and the certification if applicable, required by the generator or the owner or operator under section 66268.7;

(12) for an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification if applicable, required by the generator or the owner or operator under section 66268.7;

(13) for an off-site land disposal facility, a copy of the notice, and the certification if applicable, required by the generator or the owner or operator of a treatment facility under section 66268.7; and

(14) for an on-site land disposal facility, the information contained in the notice required by the generator or owner or operator of a treatment facility under section 66268.7, except for the manifest number, and the certification if applicable;

(15) for an off-site storage facility, a copy of the notice, and the certification if applicable, required by the generator or the owner or operator under section 66268.7; and

(16) for an on-site storage facility, the information contained in the notice (except the manifest number), and the certification if applicable, required by the generator or the owner or operator under section 66268.7.

NOTE: Authority cited: Sections 25150 and 25159, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25208.4(c), Health and Safety Code; and 40 CFR Section 264.73.

### **HISTORY**

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

2. Amendment of subsections (b)(3) and (b)(6) and Note filed 12-23-92; operative 1-22-93 (Register 93, No. 2).

3. Amendment of subsection (b)(6) and Note filed 7-19-95; operative 8-18-95 (Register 95, No. 29).

4. Amendment of subsections (b)(3) and (b)(10)-(16) filed 1-31-96; operative 1-31-96 (Register 96, No. 5).

5. Change without regulatory effect amending subsections (b)(3) and (b)(6) and amending Note filed 6-11-99 pursuant to Health and Safety Code section 25159.1 (Register 99, No. 24).

6. Change without regulatory effect amending subsection (a)(10) filed 6—7—2004 pursuant to section 100, title 1,

California Code of Regulations (Register 2004, No. 24).

7. Change without regulatory effect amending subsection (b)(10) filed 7—1—2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 27).

**§66264.74. Availability, Retention, and Disposition of Records.**

(a) All records, including plans, required under this chapter shall be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of EPA who is duly designated by the USEPA Administrator, the Department, the State Water Resources Control Board, or a regional water quality control board.

(b) The retention period for all records required under this chapter is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Department or the USEPA Administrator.

(c) A copy of records of waste disposal locations and quantities under section 66264.73(b)(2) shall be submitted to the Department, the appropriate regional water quality control board, and local land authority upon closure of the facility.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 264.74.

**HISTORY**

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

**§66264.75. Annual Report.**

For the Annual report on activities for 1995, only facilities that are required under Title 40 of the Code of Federal Regulations (CFR), section 264.75 to prepare and submit this report are subject to this section for the report. This Report, due on March 1, 1996 is to be submitted on U.S. EPA form 8700-13A/B (5-80) (8-95) provided by the Department. Facilities required to submit this report for activities conducted during 1995 are facilities which treated, stored, or disposed of RCRA hazardous waste on site in units subject to RCRA permitting requirements during 1995.

The owner or operator shall prepare and submit single copies of an annual report to the Department and the appropriate regional water quality control board by March 1 of each year. The annual report shall be submitted on forms provided by the Department, EPA Form 8700-13A/B, 5-80, (Revised 11-89). The report shall cover facility activities during the previous calendar year and shall include:

- (a) the Identification Number, name, and address of the facility;
- (b) the calendar year covered by the report;
- (c) for off-site facilities, the Identification Number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report shall give the name and address of the foreign generator;
- (d) a description, including any applicable EPA hazardous waste number from chapter 11, articles 3 or 4 of this division, California Hazardous Waste Number from chapter 11, Appendix XII of this division, and DOT hazard class, and the quantity of each hazardous waste the facility received during the year. Wastes that are classified as non-RCRA wastes shall be described by indicating a generic name of the waste and the phrase "Non-RCRA Hazardous Waste." When possible, the generic name shall be obtained from chapter 11, Appendix X, subdivision (e) of this division. If the generic name is not listed in chapter 11, Appendix X, subdivision (e) the commonly recognized industrial name of the waste shall be used. For off-site facilities, this information shall be listed by Identification Number of each generator;
- (e) the method of transfer, treatment, storage, or disposal for each hazardous waste;
- (f) reserved;
- (g) the most recent closure cost estimate under section 66264.142, and, for disposal facilities, the most recent post-closure cost estimate under section 66264.144; and
- (h) for generators who transfer, treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;
- (i) for generators who transfer, treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984;
- (j) the certification signed by the owner or operator of the facility or the facility's authorized representative;
- (k) the environmental monitoring data specified in section 66264.73;
- (l) the owner or operator shall certify the following in writing for waste shipped offsite after January 1, 1990. The certification shall be attached to the Annual Report and include the following:
  - (1) whether the hazardous waste shipped offsite has a heating value of 3,000 British Thermal Units per pound of waste or less, and a volatile organic compound (VOC) content of one percent or less by weight; and
  - (2) if the waste had a heating value or VOC content greater than that specified in subsection (l)(1), that:
    - (A) the waste was incinerated or treated by any method that has been authorized by the Department as part of a hazardous waste facility permit issued pursuant to Health and Safety Code section 25200; or
    - (B) the waste is exempted from the requirements of chapter 18, article 12; or
    - (C) the waste was recycled; or
    - (D) the waste was shipped out of California for incineration, treatment, disposal or recycling.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25155.5, 25159, 25159.5 and 25202.9, Health and Safety Code; 40 CFR Section 264.75.

#### HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).
2. New first paragraph filed 3-5-97; operative 4-4-97 (Register 97, No. 10).
3. Change without regulatory effect amending first paragraph filed 6—7—2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 24).

#### **§66264.76. Unmanifested Waste Report.**

If a facility accepts for transfer, treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in section 66263.20(e)(2) of this division, and if the waste is not excluded from the manifest requirement of this chapter, then the owner or operator shall prepare and submit a single copy of a report to the Department within fifteen days after receiving the waste. The unmanifested waste report shall be submitted in the form of a letter to the Department. Such report shall be designated 'Unmanifested Waste Report' and include the following information:

- (a) the Identification Number, name, and address of the facility;
- (b) the date the facility received the waste;
- (c) the Identification Number, name, and address of the generator and the transporter, if available;
- (d) a description and the quantity of each unmanifested hazardous waste the facility received;
- (e) the method of transfer, treatment, storage, or disposal for each hazardous waste;
- (f) the certification signed by the owner or operator of the facility or the facility's authorized representative;

and

- (g) a brief explanation of why the waste was unmanifested, if known.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 264.76.

#### HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

#### **§66264.77. Additional Reports.**

In addition to submitting the annual reports and unmanifested waste reports described in sections 66264.75 and 66264.76, the owner or operator shall also report to the Department:

- (a) releases, fires, and explosions as specified in section 66264.56(j);
- (b) facility closures specified in section 66264.115; and
- (c) as otherwise required by chapter 14, articles 6, 7 through 14, 27, 28 and 28.5, of this division.

NOTE: Authority cited: Sections 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 264.77.

#### HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).
2. Amendment of subsection (c) and Note filed 12-23-92; operative 1-22-93 (Register 93, No. 2).
3. Change without regulatory effect amending subsection (c) filed 6-11-99 pursuant to Health and Safety Code section 25159.1 (Register 99, No. 24).

#### **§66264.78. Reporting Hazardous Wastes of Concern Discovered To Be Missing While in Storage.**

(a) The owner or operator of a hazardous waste facility, except a facility operating under a Permit by Rule, Conditional Authorization, or Conditional Exemption, shall comply with reporting requirements set forth in this section, in the event that a hazardous waste of concern, as defined in section 66261.111(a), is discovered to be missing during storage at the facility, and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c).

(b) Upon discovering that a hazardous waste of concern is missing, and the waste at issue represents a reportable quantity or a reportable difference in type, the owner or operator shall immediately attempt to reconcile the reportable quantity or difference (e.g., by reviewing facility records). If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

- (1) Facility name and identification number;
- (2) Generator name and identification number, if available;
- (3) Transporter name, identification number, and transporter registration number, if available;
- (4) Manifest number, if available;
- (5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste at issue, weight or volume units, and waste codes; and
- (6) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., areas at the facility the waste was handled or stored or during transportation to the facility on highway or roads, by rail line, transfer station, truck stop, etc.).

(c) If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (b), within 5 days after discovering the reportable quantity or difference, the owner or operator shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it. The owner or operator shall mail the letter to the appropriate address for the county in which the facility is located, as specified in section 66264.72(d).

NOTE: Authority cited: Sections 25169.6, 25169.7 and 25169.8, Health and Safety Code. Reference: Sections 25169.5, 25169.6 and 25169.7, Health and Safety Code.

HISTORY

1. New section filed 7—10—2003 as an emergency; operative 7—10—2003 (Register 2003, No. 28). Pursuant to Health and Safety Code section 25169.8, this is a deemed emergency and stays effective until revised by the agency.